

Panaji, 31st July, 2003 (Sravana 9, 1925)

SERIES II No. 18

OFFICIAL GAZETTE



GOVERNMENT OF GOA

SUPPLEMENT

GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

No. 10-4-99-LA (Vol. III)

The following Orders dated 28-7-2000; 27-7-2000; 31-7-2000; 12-9-2000; 13-9-2000; 16-11-2000; 30-11-2000; 20-12-2000; and 29-12-2000 received from the Government of India, Department of Mines, Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956 are hereby published for general information of the public.

S. G. Marathe, Under Secretary (Drafting)

Panaji, 27th March, 2001.

GOVERNMENT OF INDIA

Ministry of Mines & Minerals

Department of Mines

The Controller of Mining Leases for India

Order

Case No. Z-451/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas three cases are registered for the modification of terms of (3) mining leases dated as per list enclosed for Fe/Mn held by M/s. Mazrook & Cadar Pvt. Ltd., Panajim-Goa, for permanent period, area 265.5530 hectares in Village(s) as per list enclosed, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of three (3) leases as per list enclosed is limited to 265.5530 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 12th September, 2000.

ANNEXURE-I

Details of three (3) Mining Leases

Name of the lessee & address: M/s. Mazrook & Cadar Pvt. Ltd.,
Mine owners,
P. O. Box No. 63, Rua Governador Pestona, Panaji-Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number, Date & Title	Area in hectares
1	2	3	4	5	6	7
1.	Z-451	Devachi Ralm	Village: Darbandora Taluka: Sanguem	Iron	4 of 7-2-1955	77.7000
2.	Z-507	Bargalle	Village: Colomba Taluka: Sanguem	Fe/Mn	18 of 18-4-1956	87.8530
3.	Z-608	Nirancarichi	Village: Sonal Taluka: Satari	Iron	4 of 13-1-1958	100.0000
Total area:						265.5530

C. P. Ambesh, Controllor of Mining Leases for India.

Nagpur, 12th September, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. Z-451/2000

Name of the lessee : M/s. Mazrook & Cadar Pvt. Ltd.,
Mine owners,
P.O. Box No. 63, Rua
Governador
Pestona, Panaji-Goa.

Date of the lease :

Mineral(s) : As per list enclosed.

Area and Location :

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee— M/s. Mazrook & Cadar Pvt. Ltd., Panaji-Goa, and the lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per list enclosed, held by the lessee.

3. The case was also taken up for hearing on 28-9-1999 & 15-5-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 30-8-99 & 7-4-2000.

5. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controllor of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards

the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 30-8-99 & 7-4-2000, the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) may be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee may not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) may be limited to 10 sq. km.

- ii) that the period of lease(s) may be modified and the maximum period of the lease(s) may not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 12th September, 2000.

Case No. Z-718/CML/2000

Order

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas 21 cases were registered for the modification of terms of 21 mining leases dated as per enclosed list (Annexure-I) for Fe/Mn held by M/s. Shantilal Khusaldas Ltd., Gosalia Bldg., Margao-Goa for permanent period, area 1522.8700 hectares in Village(s) as per list enclosed (Annexure-I) district South Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: Out of existing 21 leases covering 1522.8700 hecsts., area 999.8145 hecsts. area of 12 leases is permitted for retention and 523.0555 hecsts. excess area of 9 leases is reduced under modification as per list enclosed (Annexure-I, II & III).
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. It is further clarified that the State Government of Goa (Lessor) shall pay compensation to the lessee under Rule 9 of Mining Leases (Modification of Terms) Rules, 1956, for the area reduced due to Modification. The amount of compensation shall be determined in the manner & in accordance with the principles set out under Rule 10 of Mining Leases (Modification of Terms) Rule, 1956.

6. This order shall take effect from the date of this order.

7. It is ordered that this order be published in Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 13th September, 2000.

ANNEXURE-I

M/s. Shantilal Khushaldas & Bros.

List of 21 Leases

S. No.	Case No.	Title No./Dt.	Area in (hects.)
1	2	3	4
1.	Z-718	38/59 (10-8-59)	76.9800
2.	Z-205	55/52 (20-8-52)	91.7400
3.	Z-122	42/51 (18-5-1951)	74.0480
4.	Z-680	76/58 (26-12-1958)	84.4650
5.	Z-262	9/53 (13-2-1953)	63.4600
6.	Z-493	4/66 (1-2-1956)	100.0000
7.	Z-178	28/52 (28-3-1952)	69.9100
8.	Z-637	33/58 (11-8-1958)	100.0000
9.	Z-240	90/52 (7-11-1952)	49.0300

1	2	3	4
10.	Z-631	27/58 (21-7-1958)	100.0000
11.	Z-437	39/54 (22-10-54)	89.8655
12.	Z-426	28/54 (9-4-54)	39.5500
13.	Z-124	44/51 (18-5-51)	71.2340
14.	Z-579	37/57 (9-9-57)	77.5000
15.	Z-788	24/60 (17-6-60)	69.3880
16.	Z-786	1/61 (9-1-61)	50.9315
17.	Z-334	81/53 (28-8-1953)	32.1300
18.	Z-405	7/54 (1-2-54)	42.0000
19.	Z-576	34/57 (26-8-57)	70.5580
20.	Z-313	60/53 (26-6-1953)	96.2780
21.	Z-498	9/56 (28-3-1956)	73.8020
Total:			1522.8700

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 13th September, 2000.

ANNEXURE-II

Details of 12 (Twelve) Mining Leases (Area of 12 leases is permitted for retention).

Name of the Lessee & Address: M/s. Shantilal Khushaldas. Ltd.,
Gosalia Building,
Margao (Goa).

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number, Date & Title	Area in hectares
1	2	3	4	5	6	7
1.	Z-718	Duria modi	Corangninim-Antoriem Sanguem, Goa.	Iron & Manganese	38 of 10-8-1959	76.9800
2.	Z-205	Rumadolem	Curdi, Sanguem, Goa.	Iron & Manganese	55 of 20-8-1952	91.7400
3.	Z-122	Cotton Sorde Tembo	Netorlim, Sanguem, Goa.	Iron & Manganese	42 of 18-5-1951	74.0480
4.	Z-680	Novalim Der	Arvalem, Bicholim, Goa.	Iron & Manganese	76 of 26-12-1958	84.4650
5.	Z-493	Baburlossodo	Commonem, Sanguem, Goa.	Iron & Manganese	4 of 1-2-1956	100.0000
6.	Z-637	Pagemol	Cotrali, Sanguem, Goa.	Iron	33 of 11-8-1958	100.0000

1	2	3	4	5	6	7
7.	Z-631	Ramyaghalli (Tolsai)	Sancordem Darbandora, Sanguem, Goa.	Iron	39 of 22-10-1954	89.8655
8.	Z-631	Arelimolachio	Cananguinen, Quepem, Goa.	Iron	27 of 21-7-1958	100.0000
9.	Z-426	Ponsuvadivoril Advona	Aglote, Sanguem, Goa.	Fe/Manganese	28 of 9-4-1954	39.5500
10.	Z-578	Doncolaoilo Dongor	Pissurlem, Satari, Goa.	Iron	37 of 9-9-1957	77.5000
11.	Z-788	Trancamoiolosoddo	Quirlapale, Sanguem, Goa.	Iron	24 of 17-6-1960	69.3880
12.	Z-313	Cutietembo	Molcomem, Quepem, Goa.	Fe/Manganese	60 of 26-6-1953	96.2780
Total:						999.8145

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 13th September, 2000.

ANNEXURE-III

Details of Nine (9) Mining Leases (Excess area of nine (9) leases is reduced)

Name of the Lessee & Address: M/s. Shantilal Khushaldas. Ltd.,
Gosalia Building,
Margao (Goa).

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number, Date & Title	Area in hectares
1	2	3	4	5	6	7
1.	Z-262	Matmespana	Maina, Quepem	Iron & Manganese	9 of 13-2-1953	63.4600
2.	Z-178	Chunimolla	Rivona, Sanguem, South-Goa	Iron & Manganese	28 of 28-3-1952	69.9100
3.	Z-240	Bamanvado	Latambarcem, Bicholim	Iron	90 of 7-11-1952	49.0300
4.	Z-124	Joleracho Dongor	Maina, Quepem	Iron & Manganese	44 of 18-5-1951	71.2340
5.	Z-786	Goichem Molan	Curpem, Sanguem, South	Iron	1 of 9-1-1961	50.9315
6.	Z-334	Goiband Matam	Velguem, Bicholim	Iron & Manganese	81 of 28-8-1953	32.1300
7.	Z-405	Oxevoril Dongor	Nundem, Sanguem, South-Goa	Iron & Manganese	7 of 1-2-1954	42.0000
8.	Z-576	Ifanqui	Potrem, Sanguem, South-Goa	Iron	34 of 26-8-1957	70.5500
9.	Z-498	Aframento De Burculo	Arvalem, Bicholim	Iron & Manganese	9 of 28-3-1956	73.8000
Total area of (9) nine Leases						523.0555 hectares

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 13th September, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-718/2000

Name of the lessee : M/s. Shantilal Khushaldas Ltd.,
P.O. Box No. 35, Gosalia Bldg.,
Margao-Goa.

Date of the lease :

Mineral(s) : As per list enclosed.
(Annexure-I)

Area and Location :

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee-M/s. Shantilal Khushaldas Ltd., Margao, Goa and the lessor the - Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per list enclosed, (Annexure I) held by the lessee.

3. The case was also taken up for hearing on 9-12-1999 & 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 4-10-99, 5-10-99, 9-2-2000 & 11-2-2000.

5. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of

mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 9-12-99 & 21-2-2000, the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

i) that the area of the lease(s) may be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee may not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, 999.8145 hectares of (12) twelve leases may be permitted for retention & 523.0555 hectares excess area of (9) nine leases may be reduced.

- ii) that the period of lease(s) may be modified and the maximum period of the lease(s) may not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 13th September, 2000.

Order

Case No. Z-698/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas two cases were registered for the modification of terms of (2) mining leases dated as per list enclosed for Manganese held by M/s. Sharadchandra Janardhana Zarapcar, Mapusa, Goa, for permanent period, area 94.8150 hectares in Village(s) as per list enclosed, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of two (2) leases as per list enclosed is limited to 94.8150 hectares only.

- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 12th September, 2000.

ANNEXURE

Details of two (2) Mining Leases

Name of the lessee & address: M/s. Sharadchandra Janardhana Zarapcar, Mapusa, Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka & District	Minerals	Number, Date & Title	Area in hectares
1	2	3	4	5	6	7
1.	Z-698	Querem Kapreacho Tan Deugul	Village: Chorao Tah: Goa	Manganese	18 of 9-5-1959	43.0475
2.	Z-752	Bomacanto Dob e Matarimoli Deuguimol	Village: Maluli e Agolte. Tah: Satari Sanguem	Manganese	73 of 28-9-1959	51.7675
Total area:						94.8150

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 12th September, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. Z-698/2000

Name of the lessee : M/s. Sharadchandra Janardhana
Zarapcar,
Mapusa, Goa.

Date of the lease :

Mineral(s) : As per list enclosed.

Area and Location :

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee-M/s. Sharadchandra Janardhana Zarapcar, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated held by the lessee.

3. The case was also taken up for hearing on 15-5-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 7-4-2000.

5. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by

lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 15-5-2000 the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances there is no alternatives than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

i) that the area of the lease(s) may be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee may not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) may be limited to 10 sq. km.

ii) that the period of lease(s) may be modified and the maximum period of the lease(s) may not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 12th September, 2000.

Order

Case No. CML/Z-373/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 2-11-1953 (120/53) for Iron/Manganese held by Shri Xec Cadar Xec Usman, Goa for permanent period, area 38.0400 hectares in Village(s) Vichundrem, Taluka Sanguem, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

(i) **Area:** The area of the lease is limited to 38.0400 hectares only.

(ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

(iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-373/2000

Name of the lessee : Shri Xec Cadar Xec Usman,
Rua Governador Pestana,
P. B. No. 63, Panaji-Goa.

Date of the lease : 2-11-1953 (120/53)

Mineral(s) : Iron/Manganese

Area and Location : 38.0400 hectares.
Village: Vichundrem
Taluka: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee—Shri Xec Cadar Xec Usman, Goa and lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 2-11-1953 held by the lessee.

3. The case was also taken up for hearing on 28-9-1999 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 30-8-1999.

5. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals

(Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 28-9-1999 the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) may be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

Order

Case No. CML/Z-521/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 22-8-1956 (31/56) for Iron held by Smt. Nalini Vinaica Naique, Margao, Goa for permanent period, area 98.2000 hectares in Village(s) Sigao, Taluka Sanguem, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of the lease is limited to 98.2000 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-521/2000

Name of the lessee : Shri Vinaica Naique,
Margao, Goa.

Date of the lease : 22-8-1956 (31/56)

Mineral(s) : Iron

Area and Location : 98.2000 hectares.
Village: Sigao
Taluka: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee—Shri Vinaica Naique, Margao, Goa and lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 22-8-1956 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 29-2-2000.

5. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to return within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 11-4-2000 the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis

of information available with this office, to bring lease(s) into conformity with Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) may be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) may not be more than the period prescribed under Mines and Minerals (Regulation and Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

Order

Case No. CML/Z-175/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 21-3-1952 (25/52) for Iron/Manganese held by Smt. Patricia Barnato, Bardez, Goa for permanent period, area 49.1200 hectares in Village Rivona, Taluka Sanguem, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of the lease is limited to 49.1200 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-175/2000

Name of the lessee : Smt. Patricia Barnato,
Saligao, Bardez, Goa

Date of the lease : 21-3-1952 (25/52)

Mineral(s) : Iron/Manganese

Area and Location : 49.1200 hectares.
Village: Rivona
Taluka: Sanguem

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee—Smt. Patricia Barnato, Bardez, Goa and lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 21-3-1952 held by the lessee.

3. The case was also taken up for hearing on 11-4-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 29-2-2000.

5. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification

of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 11-4-2000 the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

Order

Case No. CML/Z-604/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas three cases were registered for the modification of terms of 3 mining leases dated as per list enclosed for Iron held by Shri Francisco C. J. Sequeira, Panjim, Goa for permanent period, area 267.0100 hectares in Village(s) as per list enclosed, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of three (3) leases as per list enclosed is limited to 267.0100 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

ANNEXURE

Details of Three (3) Mining Leases.

Name of the Lessee & Address : Shri Francisco C. J. Sequeira,
Panaji, Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka /District	Minerals	Number, date & title	Area in hectares
1	2	3	4	5	6	7
1.	Z-604	Vanguinim Dongor	Vanguinim, Bicholim-Goa	Iron	63 of 25-12-1957	97.5780
2.	Z-560	Predio Ambexim	Pale, Bicholim-Goa	Iron	19 of 20-5-1957	100.0000
3.	Z-554	Dolicho Dongor	Anturli e Naroa Bicholim-Goa	Iron	14 of 6-5-1957	69.4320
Total of 3 leases						267.0100

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-604/2000

Name of the lessee : Shri Francisco C. J. Sequeira,
Post Box No. 201, Panaji, Goa.

Date of the lease :
Mineral(s) : } As per list enclosed
Area and Location : }
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of four (4) leases as per list enclosed is limited to 303.4789 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 16th November, 2000.

ANNEXURE

Details of four (4) Mining Leases.

Name of the Lessee & Address : M/s. Salgaocar Mining Industries Ltd.,
Salgaocar Chambers, Margao, Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka District	Minerals	Number, date & title	Area in hectares
1	2	3	4	5	6	7
1.	Z-63	Dudaliacha Gauntonavoril Sodo-e-Gitoneasoda	Village: Dudal Taluka: Sanguem	Iron	24 of 12-5-50	90.5359
2.	Z-257	Poicul of Congorem	Village: Melauli & Conquirem Taluka: Satari	Fe/Mn	4 of 6-2-53	79.4330
3.	Z-447	Moltem Cumarvade, e Xaimartodo	Village: Advolpale Latambarcem e Moitem, Taluka: Bicholim	Iron	49 of 6-12-54	59.6600
4.	Z-488	Quella	Village: Tivim Taluka: Bardez	Iron	41 of 5-11-55	73.8500
Total area of 4 leases						303.4789

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-63/2000

Name of the lessee : M/s. Salgaocar Mining Industries Ltd.
Salgaocar Chambers,
P. O. No. 135,
Margao, Goa 403601

Date of the lease :
Mineral(s) :
Area and Location : } As per list enclosed
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee—Shri Francisco C. J. Sequeira, Panaji, Goa and lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per list enclosed held by the lessee.

3. The case was also taken up for hearing on 21-2-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 21-1-2000.

5. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification

of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 21-2-2000 the date fixed for hearing at Goa as required under sub-Rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

Order

Case No. CML/Z-63/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of four (4) mining leases dated as per list enclosed for Iron held by M/s. Salgaocar Mining Industries, Margao, Goa for permanent period area 303.4789 hectares in Village(s) as per list enclosed district Goa of Goa State.

cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee M/s. Salgaocar Mining Industries Ltd., Margao, Goa and lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per list enclosed held by the lessee.

3. The case was also taken up for hearing on 25-9-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 11-9-2000.

5. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till

the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section-16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 25-9-2000 the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) may be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 16th November, 2000.

Order

Case No. CML/Z-802/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas (5) five cases were registered for the modification of terms of (5) five mining leases dated as per enclosed list for Iron/Manganese held by M/s. Firm Minería Nacional Ltd., Salgaocar Chambers, P. O. Box No. 35, Margao, Goa for permanent period area 370.7217 hectares in Village(s) as per list enclosed, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) **Area:** The area of five (5) leases as per list enclosed is limited to 370.7217 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957. (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th November, 2000.

ANNEXURE

Details of Five (5) Mining Leases.

Name of the Lessee & Address : M/s. Firm Minería Nacional Ltd.,
Mine owner, Salgaocar Chambers,
Post Box No. 35, Margao, Goa.

Sl. No.	Case No.	Denomination of the Mine	Village/Taluka/ District	Minerals	Number, date & title	Area in hectares
1	2	3	4	5	6	7
1.	Z-802	Vagmol Perisoda	Curdi Sanguem, South Goa	Fe/Mn	4 of 11-7-1963	57.2990
2.	Z-803	Namusmoddi	Curdi Sanguem, South Goa	Fe/Mn	5 of 11-7-1963	66.3050
3.	Z-726	Pedicho Soda	Boma e Cuncoliem Ponda-Goa	Fe,Mn	47 of 21-9-1959	85.3950
4.	Z-142	Cuddengall Voril	Santona Quirlapale Sanguem, South Goa	Fe/Mn	62 of 1-10-1951	91.0900
5.	Z-129	Poicul Compro	Melauli Sanguem, South Goa	Fe/Mn	49 of 6-7-1951	70.6327
Total of 5 leases						370.7217 hectares

**NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-802/2000

Name of the lessee : Firm Minería National
Limitada, Mine owner,
Salgaocar Chambers,
Post Box No. 35, Margao, Goa.

Date of the lease :
Mineral(s) : } As per list enclosed
Area and Location : }

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee—Firm Minería National Ltd., Panaji, Goa and lessor the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated as per list enclosed held by the lessee.

3. The case was also taken up for hearing on 28-9-99, 11-4-2000 & 15-5-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 30-8-99, 29-2-2000 & 7-4-2000.

5. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under

Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 28-9-99, 11-4-2000 & 15-2-2000 the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee may not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) may be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 30th November, 2000.

Order

Case No. CML/Z-339/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 4-9-1953 (86/53) for Iron held by M/s Sallitho Ores Ltd., Salgaocar Chambers, Margao, Goa for permanent period, area 94.600 hectares in Village(s) Pale, Taluka Bicholim, district Goa, of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:-

- (i) Area: The area of lease is limited to 94.6000 hectares only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:-

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 16th November, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-339/2000

Name of the lessee : M/s. Sallitho Ores, Ltd.,
Salgaocar Chambers,
Margao, Goa

Date of the lease : 4-9-1953 (86/53)

Mineral(s) : Iron

Area and Location : 94.6000 hectares.
Village: Pale
Taluka: Bicholim
North Goa, Goa

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee—M/s. Sallitho Ores Ltd., Margao, Goa and lessor the

Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 4-9-1953 held by the lessee.

3. The case was also taken up for hearing on 25-9-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 11-9-2000.

5. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 25-9-2000 the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office, to bring lease(s) into conformity with Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) may be limited to 10 (Ten) sq. km.

ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 16th November, 2000.

Order

Case No. CML/Z-275

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 13-3-1953 (22/53) for Fe/Mn held by Shri Damodar Jaganata Amoncar, Margao, Goa for permanent period, area 22.6500 hectares in Village(s) Sancordem, Taluka Sanguem, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) Area: The area of the lease is limited to 22.6500 hec. only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.
Nagpur, 29th December, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-275

Name of the lessee : Shri Damodar Jaganata Amoncar, Margao, Goa.

Date of the lease : 13-3-1953 (22/53)

Mineral(s) : Fe/Mn

Area and Location : 22.6500 hec.
Village: Sancordem
Taluka: Sanguem.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- iii) Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- iv) Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Damodar Jaganata Amoncar, Margao, Goa and the lessor-the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 13-3-1953 held by the lessee.

3. The case was also taken up for hearing on 14-01-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 26-11-99.

5. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to

Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 14-01-2000, the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder:

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10(Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

Order

Case No. CML/Z-86

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 2-2-1951 (5/51) for Fe/Mn held by Shri Dinanath Mucunda S. Cuvelkar, Margao, Goa for permanent period, area 50.1370 hectares in Village(s) Colomba, Taluka Sanguem, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) Area: The area of the lease is limited to 50.1370 hec. only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-86

Name of the lessee : Shri Dinanath Mucunda S.
Cuvelkar, Margao, Goa.

Date of the lease : 2-2-1951 (5/51)

Mineral(s) : Fe/Mn

Area and Location : 50.1370 hec.
Village: Colomba
Taluka: Sanguem.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

- iii) Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.
- iv) Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the

lessee - Shri Dinanath Mucunda S. Cuvelkar, Margao, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 2-2-1951 held by the lessee.

3. The case was also taken up for hearing on 14-01-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish return within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 26-11-99.

5. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-Rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 14-01-2000, the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder.

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10(Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

Order

Case No. CML/Z-688

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a Mining lease dated 9-5-1959 (8/59) for Fe/Me held by Shri Sripada Gopinata Garco, Margao, Goa for permanent period, area 90.0000 Hectares in Village(s) Darbandora, Taluka Sanguem, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) Area: The area of the lease is limited to 90.0000 hecets. only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

NOTE EMBODYING THE FACTS OF CASE, PLEAS OF THE PARTIES & REASONS FOR THE ORDER

Case No. CML/Z-688

Name of the lessee : Shri Sripada Gopinata Garco,
P. B. No, 204, Margao, Goa.

Date of the lease : 9-5-1959 (8/59)

Mineral(s) : Fe/Mn

Area and Location : 90.0000 hecets.
Village: Darbandora
Taluka: Sanguem.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee- Shri Sripada Gopinata Garco, Margao, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 9-5-1959 held by the lessee.

3. The case was also taken up for hearing on 14-01-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish return within the stipulated time under sub-Rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 28-11-99.

5. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment

of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 14-01-2000, the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder.

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

Order

Case No. CML/Z-77/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

SERIES II No. 18

Whereas a case was registered for the modification of terms of a mining lease dated 10-11-1950 (38-50) for Iron/Manganese held by Shri Nilconta Jaganata Coulecar of Mapuca, Goa for permanent period, area 100.0000 Hectares in Village(s) Sanvordem, Taluka Satari, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) Area: The area of the lease is limited to 100.0000 hects. only.
- (ii) Period: No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-77/2000

Name of the lessee : Shri Nilconta Jaganata Coulecar,
Mapuca, Goa

Date of the lease : 10-11-1950 (38/50)

Mineral(s) : Iron/Manganese
Area and Location : 100.0000 Hectares
Village: Sanvordem
Taluka: Satari.
Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice(s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Nilconta Jaganata Coulecar, Mapuca, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 10-11-1950 held by the lessee.

3. The case was also taken up for hearing on 11-04-2000 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish return within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 29-2-2000.

5. It would be relevant to mention—

- i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals (Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.
- ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by

the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation and Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 11-04-2000, the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder.

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10(Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

Order

Case No. CML/Z-602/2000

[Under Rule 6 of the Mining Leases (Modification of Terms) Rules, 1956]

Whereas a case was registered for the modification of terms of a mining lease dated 25-12-1957 (61/57) for Iron/Manganese held by Shri Tito Trindade Patroceinao Morais, Goa for permanent, period, area 99.6900 hectares in Village(s) Curdi, Taluka Sanguem, district Goa of Goa State.

And whereas an enquiry has been made, as laid down in the Mining Leases (Modification of Terms) Rules, 1956.

2. It is hereby ordered under rule 6 of the aforesaid Rules that terms and conditions of the above lease shall stand modified as follows:—

- (i) **Area:** The area of the lease is limited to 99.6900 hectares only.
- (ii) **Period:** No change is made as the period of the lease(s) is already modified as per provisions of the Goa, Daman and Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.
- (iii) The following clause shall be deemed to be inserted in the lease deed and shall form part thereof:—

"Except for the modifications made by this order, the lease shall be subject to the rules made or deemed to have been made under Sections 13 and 18 of the Mines & Minerals (Regulation & Development) Act, 1957 (No. 67 of 1957)."

3. It is clarified that royalty and dead rent shall be payable in accordance with Section 9 and 9A of the Mines & Minerals (Regulation & Development) Act, 1957 respectively instead of according to the stipulations in the lease deed.

4. It is further clarified that the lessee shall also pay, for the surface area used by him for the purposes of mining operations, surface rent at such rate, as may be specified by the State Government under the Mineral Concession Rules, 1960.

5. This order shall take effect from the date of this order.

6. It is ordered that this order be published in the Official Gazette of Goa State and copies thereof be sent to the lessee and the State Government.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.

**NOTE EMBODYING THE FACTS OF CASE, PLEAS
OF THE PARTIES & REASONS FOR THE ORDER**

Case No. CML/Z-602/2000

Name of the lessee : Shri Tito Trinande Patroceinao
Morais,
Village: Cuncolim,
Taluka: Salcete, Goa.

Date of the lease : 25-12-1957 (61/57)

Mineral(s) : Iron/Manganese

Area and Location : Village: Curdi
Taluka: Sanguem
99.6900 Hectares.

Period : Unlimited

Apart from the insertion of the general clause, the following was the proposal contained in the show cause notice (s) issued to the lessee for modification of the mining lease(s) referred to above:

Area: To be reduced to ten square kilometres as required under Section 6 of Mines and Minerals (Regulation & Development) Act, 1957.

Period: To be reduced to two years counting from the date of the modification order, passed under Rule 6 of Mining Leases (Modification of Terms) Rules, 1956.

2. In pursuance of rule 6 of the Mining Leases (Modification of Terms) Rules, 1956, the show cause notice containing the proposals for modification of the above mentioned mining lease was sent to the lessee - Shri Tito Trinande Patroceinao Morais, Goa and the lessor - the Government of Goa, calling upon them to show cause why such modifications/alterations should not be made in the mining lease deed dated 25-12-1957 held by the lessee.

3. The case was also taken up for hearing on 28-9-1999 at Goa for enabling both the parties to put forward their case.

4. The lessee has neither appeared on the time and date of hearing at Goa nor deputed his representative for the purpose. The lessee has also failed to furnish return within the stipulated time under sub-rule (1) of Rule 5 of Mining Leases (Modification of Terms) Rules, 1956 as directed under show cause notice dated 30-8-1999.

5. It would be relevant to mention—

i) that according to the Goa Government notification dated 30th September, 1963 and 4th January, 1966, the Mines and Minerals

(Regulation & Development) Act, 1957 became applicable to Goa w.e.f. 1st October, 1963 and Section 16 of the said Act was made applicable to Goa w.e.f. 15th January, 1966 which confer powers to Controller of Mining Leases for modification of mining lease(s) of Goa under Section 16 of the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

ii) that vide an ad-interim order dated 2-3-98 of the Hon'ble Supreme Court of India in a SLP filed by lessee(s) of Goa, Hon'ble Supreme Court of India has permitted the appellants to carry on mining operations and mining business in the mining area for which renewal applications have been made on the condition that the appellants shall pay to the respondents from the date of commencement of the impugned Act all the amount of dead rent, royalty as now stipulated by the respondents under the impugned Act without prejudice and under protest. The appellants will also comply with all other conditions. As regards the period from 1961 till the coming into force of the impugned Act, it will be opened to the respondents to take proceedings for assessment of the amount payable by the appellants but no recovery shall be made without further orders from the court.

Therefore, the existing mining lease(s) of State of Goa may be modified as Section 16 of Mines and Minerals (Regulation & Development) Act, 1957 is applicable to lease(s) of Goa and also no restraint is put by the order of the Hon'ble Supreme Court of India for control of modification of terms of the existing mining lease(s) to bring in conformity with the provisions of Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

6. Further, the lessee(s) failed to furnish returns within the stipulated time under sub-rule (1) of Rule 5 of the Mining Leases (Modification of Terms) Rules, 1956 and also failed to appear before Controller of Mining Leases on 28-9-1999, the date fixed for hearing at Goa as required under sub-rule (13) of Rule 6 of Mining Leases (Modification of Terms) Rules, 1956. Under the circumstances, there is no alternative than to proceed ex-parte for modification of the lease(s) on the basis of information available with this office to bring lease(s) into conformity with the Mines and Minerals (Regulation & Development) Act, 1957 and the rules made thereunder.

7. Keeping aforesaid facts in view, my findings are given hereunder.

- i) that the area of the lease(s) should be modified without affecting the area under active mining operation and total area of lease(s) acquired by a lessee should not be more than the area prescribed under Mines and Minerals (Regulation & Development) Act, 1957.

In this case, the total area of lease(s) should be limited to 10 (Ten) sq. km.

- ii) that the period of lease(s) should be modified and the maximum period of the lease(s) should not be more than the period prescribed under

Mines and Minerals (Regulation and Development) Act, 1957.

In this case, the period of the lease(s) is not modified as the same is already modified as per the provisions of the Goa, Daman & Diu Mining Concessions (Abolition and Declaration as Mining Leases) Act, 1987.

Thus, the order passed accordingly.

C. P. Ambesh, Controller of Mining Leases for India.

Nagpur, 29th December, 2000.